

ORIGINAL

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 19 1999

JAMES R. LASSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

GILBERT ORCHARDS, INC.,

Defendant.

CY - 99 - 3065 - RHW

CIVIL NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Rolonda Allmendinger Wolf, who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that defendant harassed Ms. Wolf because of her sex, female, creating a hostile environment and thereby discriminatorily interfering with her employment at Gilbert Orchards, Inc. In addition, the Equal Employment Opportunity Commission alleges that defendant terminated Ms. Wolf in retaliation for her complaints of harassment. Plaintiff seeks monetary and injunctive relief,

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1 including pecuniary and nonpecuniary compensatory damages.

2 JURISDICTION AND VENUE

3 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
4 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections
5 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
6 sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act
7 of 1991, 42 U.S.C. §1981a.

8 2. The employment practices alleged to be unlawful were committed within
9 the jurisdiction of the United States District Court for the Eastern District of
10 Washington at Spokane.

11 PARTIES

12 3. Plaintiff, the Equal Employment Opportunity Commission (the
13 "Commission"), is the agency of the United States of America charged with the
14 administration, interpretation and enforcement of Title VII, and is expressly
15 authorized to bring this action by Section 706(f)(1) of
16 Title VII, 42 U.S.C. §2000e-5(f)(1).

17 4. At all relevant times, defendant, Gilbert Orchards, Inc., ("defendant") has
18 been a corporation continuously doing business in the State of Washington and has
19 continuously had at least 15 employees.

20 5. At all relevant times, defendant has continuously been an employer
21 engaged in an industry affecting commerce within the meaning of Sections 701(b),
22 (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

23 STATEMENT OF CLAIMS

24 6. More than thirty days prior to the institution of this lawsuit, Rolonda
25 Allmendinger filed a charge with the Commission alleging violations of Title VII by
26 defendant, Gilbert Orchards, Inc., Inc. Ms. Allmendinger later married and now uses
27 the surname Wolf. All conditions precedent to the institution of this lawsuit have

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1 been fulfilled.

2 7. From at least March 17, 1997, through August 1, 1997, defendant engaged
3 in unlawful employment practices at its Wenatchee, Washington facility, in violation
4 of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant
5 affected the terms and conditions of Ms. Wolf's employment by subjecting her to
6 ongoing harassment based on her sex, female. This ongoing harassment created a
7 hostile environment. In addition, defendant terminated Mrs. Wolf in retaliation for
8 her complaints of discrimination.

9 8. The effect of the practices complained of in paragraph 7 above has been to
10 deprive Rolonda Wolf of equal employment opportunities and otherwise adversely
11 affect her status as an employee of Gilbert Orchards, Inc. because of sex and in
12 retaliation for her complaints of sexual harassment.

13 9. The unlawful employment practices complained of in paragraph 7 above
14 were intentional.

15 PRAYER FOR RELIEF

16 Wherefore, the Commission respectfully requests that this Court:

17 A. Grant a permanent injunction enjoining defendant, its officers, successors,
18 agents, assigns, and all persons in active concert or participation with it, from
19 engaging in any
20 other employment practice which discriminates on the bases of sex or retaliation.

21 B. Order defendant to institute and carry out policies, practices, and programs
22 which provide equal employment opportunities for all employees, and which
23 eradicate the effects of its past and present unlawful employment practices.

24 C. Order defendant to make whole Rolonda Wolf by providing appropriate
25 back pay with prejudgment interest, in amounts to be determined at trial, and other
26 affirmative relief necessary to eradicate the effects of its unlawful employment
27 practices.

1 D. Order defendant to make whole Rolonda Wolf by providing compensation
2 for past and future pecuniary losses resulting from the unlawful employment
3 practices described in paragraph 7 above, including past and future out-of-pocket
4 expenses, in amounts to be determined at trial.

5 E. Order defendant to make whole Rolonda Wolf by providing compensation
6 for past and future nonpecuniary losses resulting from the unlawful practices
7 complained of in paragraph 7 above, including without limitation emotional pain,
8 suffering, and loss of enjoyment of life, in amounts to be determined at trial.

9 F. Grant such further relief as the Court deems necessary and proper in the
10 public interest.

11 G. Award the Commission its costs of this action.

12 JURY TRIAL DEMAND

13 The Commission requests a jury trial on all questions of fact raised by its
14 complaint.

15
16 DATED this 16th day of August, 1999.

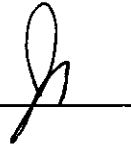
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